

Fiscal Note

Fiscal Services Division



SF 374 – State Public Defender Office, General Policy (LSB1160SV)
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Fiscal Note Version – As amended by Judiciary Committee Amendment H-1214

Description

Senate File 374 specifies that the State Public Defender must coordinate the representation of indigent persons under arrest or charged with a crime and facing the possibility of imprisonment under the applicable criminal statute or ordinance, and that this representation will be provided at public expense if necessary. The Bill also amends the requirements for contracts with nonprofit organizations, allows for changes to the office computer networks, and extends the time period for reporting case expenses.

Committee Amendment H-1214 to SF 374 requires the State Public Defender to seek reimbursement from the Indigent Defense Fund for compensation and expenses for the defense of an indigent person who violates a local ordinance and faces the possibility of imprisonment. The amendment also requires a political subdivision of the State to reimburse the Office of the State Public Defender for these costs.

Background

As required by the Iowa Supreme Court decision in **State v. Young**, the State Public Defender provides representation for indigent persons for simple misdemeanors if there is a potential for a jail sentence (863 N.W.2d 249 (Iowa 2015)). Senate File 374 codifies this requirement.

Assumptions

The number of claims to the Indigent Defense Fund for representation in municipal ordinance violation cases will remain the same in the future.

Fiscal Impact

The Bill codifies the existing requirement for representation in simple misdemeanor cases where there is a possibility of imprisonment.

Amendment H-1214 will reduce costs to the Indigent Defense Fund and transfer indigent defense costs for certain municipal ordinance violations to the applicable local government. The cost to local governments is estimated to be relatively small. The total reimbursement from all of the affected local governments to the Indigent Defense Fund is estimated to be between \$30,000 and \$45,000 per year. The following table shows the number of claims to the Indigent Defense Fund each fiscal year for stand-alone municipal ordinance violations from FY 2011 to FY 2016.

Municipal Ordinance Claims

Fiscal Year	Claims	Cost
2016	225	\$ 43,582
2015	142	\$ 29,698
2014	105	\$ 21,192
2013	67	\$ 14,035
2012	52	\$ 11,880
2011	71	\$ 16,056

From FY 2015 to FY 2016, there was approximately a \$14,000 increase in total claims to the Indigent Defense Fund from municipal ordinance violations. This is likely due in part to the higher demand for representation as a result of the decision in *State v. Young*.

It should be noted that the Office of the State Public Defender is expected to incur some additional administrative costs from collecting the reimbursements from the political subdivisions, but those costs are estimated to be less than \$5,000 per year.

Source

Office of the State Public Defender

/s/ Holly M. Lyons

March 23, 2017

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
